UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,638	07/30/1999	EIJI KAWAI	450127-02126	9709

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EXAMINER
PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

		Application No.	Applicant(s)
		09/364,638	KAWAI, EIJI
Office Action Summary		Examiner	Art Unit
		Tammara R Peyton	2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 May 2003* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-23,25-33 and 35-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-23, 25-33, 35-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 21-23, 25-33, and 35-40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over *Roskowski et al.*, patent number 5,624,316.

2.   As per claims 21, 23, 31, and 33, *Roskowski* teaches an information processing

apparatus (Fig.1) comprising:

- a processor (CPU, 33, Fig.2) for executing a booting program to start up

  said information apparatus; and

- a data store for storing first data (ROM, 20, Fig.2),

- wherein said processor selectively uses said first data stored in said data

  store or second data stored in another data store (ROM, 28, Fig.2)

  according to said booting program to start up said information processing

  apparatus, said other data store being removably connected (via smart

  card, 45, coupled to enhancer, 4, Figs. 1, 2) to said information processing

  apparatus;

- whereby said other data store comprises a file allocation table block

  operable to store header information, a startup image display program

  storage block operable to act as a read only memory, and a data block

  operable to store data generated by said information processing

  apparatus.

3.   *Roskowski* teaches wherein said processor executes a boot program from either

a first data store, from an existing game cartridge, 1, Figs. 1, 2, or a second data store,

from ROM, 28 implement in the enhancer 4. The enhancer is also able to accommodate

a smart card, 15, which contain additional data. (Figs. 1, 2) The removable smart

card/enhancer combined or just the enhancer contains a booting program to start up

said information processing apparatus. It would have been obvious to one of ordinary

skill that *Roskowski* teaches that depending on an enabled/disabled switch (44, Fig.1)

said processor would selectively boot a start up program from either a first data store

(ROM, 20) or second data store (smart card/enhancer) wherein the second data store is

removable. (Abstract, col. 5, lines 25-65, col. 6, lines 1-65, col. 8, lines 45-col.9, lines 1-

4, col. 12, lines 58-col. 13, lines 1-17).

4.   *Roskowski* teaches the enhancer 4 including a startup image display (startup

boot image) operable to act as a ROM (col. 5, lines 25-32 and 39-46). The start up

image display disclosed by *Roskowski* may be read from internal ROM 28 or smart card

15. *Roskowski* further teaches a data block (RAM 27, col. 5, lines 33-46) operable to

store data generated by said information processing apparatus (7, Fig. 1) wherein the

information stored is from user input. However, *Roskowski* does not expressly teach a

file allocation table, however, it is well known in the art that a file allocation table

organizes and manages data on a storage device (i.e. floppy disk, memory or smart

card) in such a way that when an accessing device (operating system, CPU) requests

the stored data, the file allocation table directs the accessing device to the requested

stored file on the storage device. *Roskowski* specifically teaches the enhancer 4

accessing and retrieving information from the smart card. (col. 5, lines 39-46)

5.   Therefore, it is the position of the Examiner that it would have been obvious to

one of ordinary skill that *Roskowski's* enhancer 4 has the characteristics consistent with

a file allocation table because *Roskowski* teaches the enhancer accessing information

stored on the smart card. One of ordinary skill would recognize that some form of file

allocation table would be used to access the data stored on the smart card.

6.   As per claim 27 and 37, *Roskowski* teaches a control logic for a) detecting an

access to a patch address by the processor; b) logic for directing the processor to

access an exception region in the second memory upon detection of the access to the

patch address and; c) redirection logic for redirecting memory accesses by the

processor from the first memory to the second memory for a plurality of memory access

upon activation of the exception mode and redirecting memory accesses by the

processor from the second memory to the first memory upon termination of the

exception mode. Therefore, it would have been obvious to one of ordinary skill at the

time the invention was made that *Roskowski* teaches the logic of an establishing data

communication with a plurality of data stores for storing data. *Roskowski* also teaches

an apparatus and method including a file allocation table block with a startup image

display program and a data block. (see paragraph 5)

7.   As per claims 22, 28, 30, 32, 38, and 40, *Roskowski* teaches wherein said

information processing apparatus further comprises a display, and said first data (from

cartridge 1) and said second data store (smart card/ enhancer) are image data, (as it

related to a particular video game), and wherein said processor selectively/sequentially

displays an image from said first data or an image of said second data said display

according to said booting program in starting up said information processing apparatus.

(as it relates to a particular video game inserted in the information processing

apparatus)

8.   As per claims 25 and 35, *Roskowski* teaches wherein said processor displays an

image of said first data (from cartridge 1) on said display in starting up said information

processing apparatus when said recording medium (smart card/ enhancer) is not

connected to said information processing apparatus, and said processor displays an

image of said second data on said display in starting up said information processing

apparatus when said recording medium is connected to said information processing

apparatus. (col. 5, lines 25-65)

9.   As per claims 26, 29, 36, and 39, *Roskowski* teaches wherein said second data

is a portable electronic device removably connected to said information processing

apparatus.

10.   Claims 21, 23, 27, 31, 33, 36, and 37, are rejected under 35 U.S.C. 103(a) as

being unpatentable over *James, Jr. et al.*, (US 6,240,519).

11.   As per claims 21, 23, 31, 33, and 36, *James, Jr.* teaches an information

processing apparatus (computer) comprising:

- a processor (32, Fig. 2) for executing a booting program to start up said

  information apparatus (Fig.1); and

- a data store for storing first data (ROM, 78, Fig.2),

- wherein said processor selectively uses said first data stored in said data

  store or second data stored in another data store (Floppy Disk, 74, Fig.1)

  according to said booting program to start up said information processing

  apparatus, said other data store being removable connected (disk in

  Floppy Drive) to said information processing apparatus;

- whereby said other data store (floppy disk, 74) comprises a file allocation

  table block operable to store header information, a startup image display

program storage block operable to act as a read only memory, and a data

block operable to store data generated by said information processing

apparatus. (col. 9, lines 2-36, Fig.7)

12.   *James, Jr.* teaches determining if a floppy disk is present in floppy drive of the

information apparatus. If the floppy disk is present the information apparatus boots from

the floppy disk, if the floppy disk is not present the information apparatus boots from

ROM, 78. The floppy disk contain a ROM startup image program and obviously has a

data storage area. It is well known in the art that a floppy disk is accessed via a file

allocation table, which maps the files that are stored on the floppy disk.

13.   As per claims 27 and 37 *James, Jr.* teaches an information processing apparatus

(computer) comprising:

- a processor (32, Fig. I) for executing a booting program to start up said

  information apparatus (Fig.1); and

- a communication unit for data communication with a plurality of data

  stored for storing data, at least one of said data stores being removably

  (Floppy Disk, 74, Fig.1) connected to said information processing

  apparatus;

- wherein said processor selectively uses said data stored in said plurality of

  data according to said booting program to start up said information

  processing apparatus;

- whereby said other data store (floppy disk, 74) comprises a file allocation

  table block operable to store header information, a startup image display

  program storage block operable to act as a read only memory, and a data

  block operable to store data generated by said information processing

  apparatus. (col. 9, lines 2-36, see paragraph 12)

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tammara Peyton whose telephone number is (703)

306-5508. The examiner can normally be reached between 6:30 - 4:00 from Monday to

Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone

number for the organization where this application or proceeding is assigned is (703)

305-3718. Any inquiry of a general nature of relating to the status of this application

should be directed to the Group receptionist whose telephone number is (703) 305-

3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal communications intended for entry should be sent to:

(703) 746-7238, After Final (703) 746-7239

or, for informal or draft communications, to:

(703) 746-7240 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor

(Receptionist).

Tammara Peyton

May 12, 2003